

REMARKS

Claims 2, 3, 5, 7-9, 12 and 13 remain pending in the instant application.

In the Final Office Action mailed April 7, 2004, which was upheld by the Board in its Decision mailed September 30, 2005 and reaffirmed by the Board in its Decision on the Request for Rehearing mailed January 31, 2006, Claims 2, 3, 5, 7-9, 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,937,285 issued to Wittmann et al. in view of U.S. Pat. No. 5,274,017 issued to Pan or U.S. Pat. No. 4,937,285 issued to Wittmann et al. in view of U.S. Pat. No. 5,274,017 issued to Pan taken further with evidence provided by U.S. Pat. No. 5,908,663 issued to Wang et al.

Rejections under 35 U.S.C. §103(a)

Claims 2, 3, 5, 7-9, 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,937,285 issued to Wittmann et al. in view of U.S. Pat. No. 5,274,017 issued to Pan or U.S. Pat. No. 4,937,285 issued to Wittmann et al. in view of U.S. Pat. No. 5,274,017 issued to Pan taken further with evidence provided by U.S. Pat. No. 5,908,663 issued to Wang et al. Applicants respectfully disagree with the Examiner's contention regarding the combined teaching of the cited art.

Applicants contend that Wittmann et al. provide no teaching, direction nor guidance as to how to select any flame retardant and further, that Pan fails to provide the missing teaching, suggestion or guidance to remedy the deficiencies of Wittmann et al. In the Advisory Action dated June 4, 2004, the Examiner admitted that, "Pan (5,274,017) teaches that aluminum oxide flame retardant supported on silica is applied as a colloidal sol." (Emphasis added)

Applicants herewith submit the Declaration of one of the named inventors, Dr. Thomas Eckel. The data contained in Dr. Eckel's Declaration compares a composition containing the instantly claimed aluminum oxide hydroxide (Ex. 4) to a composition containing an inorganic compound which is a mixture of Al₂O₃ and SiO₂ in a 90:10 ratio (Comparison Ex. 3), i.e., "aluminum oxide on silica". Because NALCO 1056 (an aluminum oxide supported on silica) was unavailable, SIRAL 10 (Sasol Germany GmbH) was used for the comparison example.

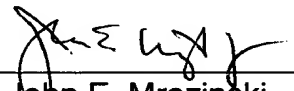
As can be clearly appreciated by a review of the data in Dr. Eckel's Declaration, whereas both compositions exhibited improved antistatic properties, only the instantly claimed aluminum oxide hydroxide-containing composition (Ex. 4) showed superior mechanical properties.

Therefore, Applicants contend that nothing in the combined teaching of the cited art would lead one of ordinary skill in the art to the instantly claimed invention and respectfully request the Examiner reconsider and reverse her rejection of Claims 2, 3, 5, 7-9, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,937,285 issued to Wittmann et al. in view of U.S. Pat. No. 5,274,017 issued to Pan or U.S. Pat. No. 4,937,285 issued to Wittmann et al. in view of U.S. Pat. No. 5,274,017 issued to Pan taken further with evidence provided by U.S. Pat. No. 5,908,663 issued to Wang et al.

Conclusion

Applicants have amended Claims 5 and 7 and contend that such claim amendments add no new matter and find support in the specification.

Applicants submit that the instant application is in condition for allowance. Accordingly, reconsideration and a Notice of Allowance are respectfully requested for Claims 2, 3, 5, 7-9, 12 and 13. If the Examiner is of the opinion that the instant application is in condition for other than allowance, she is requested to contact the Applicants' Attorney at the telephone number listed below, so that additional changes to the claims may be discussed.

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